

June 14, 2004

KURT FRITTS
SENATE DEMOCRATIC CAMPAIGN COMMITTEE
PO BOX 1814
OLYMPIA WA 98507

Subject: Complaint filed against the People for Zarelli 2004 campaign – PDC
Case No. 04-442

Dear Mr. Fritts:

The Public Disclosure Commission staff has completed its investigation of your complaint received March 8, 2004, alleging that the People for Zarelli 2004 Campaign failed to electronically file expenditure reports for the months of January and February, 2004, an alleged violation of RCW 42.17.3691.

PDC staff reviewed your complaint in light of the following statute and administrative rule:

RCW 42.17.3691 requires candidates that expect to expend ten thousand dollars or more in the current year to electronically file contribution and expenditure reports.

WAC 390-19-030 states, in part, that the threshold requiring electronic filing of all contribution and expenditure reports is met when a candidate expects to expend \$10,000 or more in the current calendar year; it is presumed that this occurs when a filer is a candidate for the same office last sought, the filer's election is in the current calendar year, and his campaign expenditures in the previous election for the same office were \$10,000 or more.

You alleged that the People for Zarelli 2004 Campaign failed to electronically file expenditure reports for the months of January and February 2004, despite the fact that Senator Zarelli is a candidate for the same office he last sought, he spent more than \$10,000 in his last campaign for this office, and his election is in the current calendar year.

We found that:

- The People for Zarelli 2004 Campaign understood its requirement to electronically file contribution and expenditure reports. Senator Zarelli acknowledged this requirement in correspondence to PDC staff on August 4, 2003, and sought guidance regarding future electronic filing. He stated to PDC staff that his campaign treasurer received training in electronic filing from the PDC in December of 2003.
- PDC staff reminded Senator Zarelli of his campaign's electronic filing requirement in a letter sent March 5, 2004, prior to the receipt of your complaint. Staff's letter instructed the campaign to begin electronic filing of contribution and expenditure reports by April 10, 2004. The People for Zarelli 2004 Campaign began electronic filing on April 4, 2004, with the submission of expenditure reports for the period of December 1, 2003 through March 31, 2004.
- By May 13, 2004, all expenditure reports for the People for Zarelli 2004 Campaign were filed electronically. By May 19, 2004, all reports of contributions which had previously been filed manually were electronically filed.

While the People for Zarelli 2004 Campaign did not file electronically from the beginning of its campaign, with the exception of one \$250 contribution, all of the Campaign's manually-filed reports of contributions and expenditures were submitted prior to their date due. Because all of the Campaign's reports have now been submitted electronically, and contribution and expenditure data has been made available to the public in electronic form at least sixteen weeks prior to the 2004 primary election, no enforcement action is warranted.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the People for Zarelli 2004 Campaign.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828 or by e-mail at pstutzman@pdc.wa.gov.

Sincerely,

Vicki Rippie
Executive Director

c: Senator Joseph Zarelli